

**VETERINARY EXAMINING BOARD
MINUTES
MAY 13, 2009**

PRESENT: Wesley Elford, DVM; Marthina Greer, DVM; JoAnn Kleman, CVT (excused at 1:22 p.m.); Donald Peterson, DVM; William Rice, DVM; Robert R. Spencer, DVM; Theresa Waage

EXCUSED: Joan Wywialowski

STAFF PRESENT: Tom Ryan, Bureau Director; Ruby Jefferson Moore, Legal Counsel; Karen Rude-Evans, Bureau Assistant; and other DRL Staff

GUESTS: Kim Brown Pokorny and Kelly McDowell, WVMA; Teri Raffel, WVTa

CALL TO ORDER

Robert Spencer, Board Chair, called the meeting to order at 9:30 a.m. A quorum of 7 members was confirmed.

APPROVAL OF AGENDA

Amendments to Agenda:

- Under Administrative Report – DRL Executive Assistant Hector Colon is unavailable and will not be attending the Board Meeting
- After Item “D” – insert Discussion of Humane Societies – Pamela Stach
- At the end of Closed Session – add Application Review- Asheley Wathen, DVM; Monitoring Report and Request for Modification – Beverly Halama, DVM; Case Closing Report

MOTION: Joann Kleman moved, seconded by Theresa Waage, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF FEBRUARY 11, 2009

Corrections to Minutes:

- On page 1 under STAFF PRESENT, delete “Ruby Jefferson-Moore” and insert “Jacquelynn Rothstein”

MOTION: William Rice moved, seconded by Wesley Elford, to approve the minutes of February 11, 2009 as corrected. Motion carried unanimously.

**PRESENTATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

WAYNE R GRIFFIN, DVM

Attorney James Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Wayne R. Griffin, DVM. Deliberation will be in closed session.

JOEL P MAYBERRY, DVM

Attorney James Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Joel P. Mayberry, DVM. Deliberation will be in closed session.

GARY GIENAPP, DVM

Attorney James Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Gary Gienapp, DVM. Deliberation will be in closed session.

JACQUES THEBERT, DVM

Attorney James Polewski presented the Proposed Stipulation, Final Decision and Order in the matter of Jacques Thebert, DVM. Deliberation will be in closed session.

ADMINISTRATIVE REPORT

Budget Report

Tom Ryan reported the Joint Finance Committee revised the Medical Board proposal in the Governor's budget and includes six staff positions designated for the medical board.

Appointment of Education Liaison

JoAnn Kleman will be the education and CE liaison.

LIMITED TEMPORARY LICENSES

There were no issues to discuss.

CONTINUING EDUCATION REVIEW OF DOE RESPONDENTS

Attorney Jack Temby from the Division of Enforcement spoke to the Board regarding the review of CE hours for DOE respondents. The Board asked to have CE information requested from every veterinarian and certified veterinary technician who is contacted by DOE. Attorney Temby will take the Board's request to DOE Administrator Marvin Robinson for review.

MOTION TO DESIGNATE HEARINGS AND APPEALS ATTORNEY AS ADMINISTRATIVE LAW JUDGE

MOTION: William Rice moved, seconded by Donald Peterson, to designate an attorney who is employed by the Division of Hearings and Appeals, Wisconsin Department of Administration, to serve as an Administrative Law Judge to preside over Class 1 license denial hearings and Class 2 disciplinary proceedings, pursuant to Wis. Admin. Code § RL 1.08 and § RL 2.10. This designation is in addition to the designation already provided for in Wis. Admin. Code § RL 1.08 and § RL 2.10. Motion carried unanimously.

REPORT ON INFORMED CONSENT PRESENTATIONS

Attorney Pamela Stach, Division of Enforcement, spoke to the Board regarding the presentations she has given around the state on Informed Consent. The presentations have been well attended and generally well received. Veterinarians are required to provide informed consent to the client; this duty cannot be delegated to non-veterinarian staff.

DISCUSSION OF HUMANE SOCIETIES

Attorney Pamela Stach, Division of Enforcement, gave an overview of two cases involving unlicensed practice of veterinary medicine at humane societies. All unlicensed practice cases are handled through the Secretary as she has disciplinary authority. The Department has developed a policy with these two humane societies that balances the need for the state to have humane societies against the unlicensed practice of veterinary medicine.

CORRESPONDENCE REGARDING THE ECFVG AND PAVE PROGRAMS FOR GRADUATES OF NON-ACCREDITED VETERINARY COLLEGES

The correspondence was noted.

Legislators' offices have been contacted regarding this bill; however, it has not been introduced. Theresa Waage will contact the WVMA to see if they can be of assistance in moving this forward.

RULES REVIEW COMMITTEE REPORT

The Rules Committee is meeting after today's Board meeting. In the future, the Rules Committee will meet prior to the Board meetings.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES, ADMINISTRATIVE RULES AND LEGISLATION

Noted.

SPEAKING ENGAGEMENTS AND TRAVEL REQUESTS

None.

PRACTICE QUESTIONS

None.

CONTINUING EDUCATION ISSUES THAT MAY BE RECEIVED AFTER THE MAILING OF THE AGENDA

The Board discussed options for assuring that credential holders are complying with the continuing education requirements. Tom Ryan will consult with Jill Remy from the Office of Education and Examinations regarding the possibility of a random audit.

APPLICATION ISSUES

None.

EXAMINATION ISSUES

None.

INFORMATIONAL ITEMS

Noted.

PUBLIC COMMENTS

None.

CLOSED SESSION

MOTION: Wesley Elford moved, seconded by Donald Peterson, to convene to closed session to deliberate on cases following hearing (Wis. Stat. 19.85(1) (a)), to consider licensure or discipline (Wis. Stat. § 19.85(1) (b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1) (f)), and to confer with legal counsel (Wis. Stat. § 19.85(1) (g)). Motion carried by a roll call vote: Wesley Elford-yes; JoAnn Kleman-yes; Donald Peterson-yes; William S. Rice-yes; Robert R. Spencer-yes; Theresa Waage-yes; Marthina Greer – yes.

The Board convened into Closed Session at 12:43 p.m.

**RECONVENE INTO OPEN SESSION IMMEDIATELY
FOLLOWING CLOSED SESSION**

MOTION: Donald Peterson moved, seconded by Wesley Elford, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open session at 1:27 p.m.

**DELIBERATION OF PROPOSED STIPULATIONS,
FINAL DECISIONS AND ORDERS**

WAYNE R GRIFFIN, DVM

MOTION: William Rice moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Wayne R. Griffin, DVM. Motion carried unanimously.

JOEL P MAYBERRY, DVM

MOTION: William Rice moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Joel P. Mayberry, DVM. Motion carried unanimously.

GARY GIENAPP, DVM

MOTION: William Rice moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Gary Gienapp, DVM. Motion carried unanimously.

JACQUES THEBERT, DVM

MOTION: Donald Peterson moved, seconded by Marthina Greer, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of Jacques Thebert, DVM. Motion carried unanimously.

ADMINISTRATIVE WARNING

06 VET 50

MOTION: Donald Peterson moved, seconded by Marthina Greer, to issue an administrative warning in case **06 VET 50**. Motion carried unanimously.

APPLICATION REVIEW

ASHELEY WATHEN, DVM

MOTION: Donald Peterson moved, seconded by Theresa Waage, to grant a license to Asheley Wathen when all requirements are met. Motion carried unanimously

DOE CASE CLOSINGS

08 VET 036

MOTION: Donald Peterson moved, seconded by Theresa Waage to close case **08 VET 036** for insufficient evidence. Motion carried unanimously.

08 VET 030

MOTION: Donald Peterson moved, seconded by Wesley Elford to close case **08 VET 030** for insufficient evidence. Motion carried unanimously.

MONITORING

BEVERLY HALAMA, DVM

The Board reviewed the request of Beverly Halama, DVM, for a reduction in screens. No decision was made at this time, as further information is required.

DOE CASE CLOSING

09 VET 005

MOTION: William Rice moved, seconded by Theresa Waage, to close case **09 VET 005** for lack of jurisdiction (L1) and refer to DOE for further review. Motion carried unanimously.

Consulting with Legal Counsel

Noted.

OTHER BUSINESS

Due to a lack of quorum, the Rules Review Committee meeting scheduled immediately following the Board meeting has been cancelled. The Rules Review Committee will meet immediately before the next Board Meeting on August 5, 2009.

ADJOURNMENT

MOTION: Donald Peterson moved, seconded by Wesley Elford, to adjourn. Motion carried unanimously.

The meeting adjourned at 1:27 p.m.